

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

O2COOL, LLC)
Plaintiff,) Civil Action No.
v.)
JAMMIN' BUTTER, LLC,)
Defendant.)

COMPLAINT

Plaintiff, O2COOL, LLC, for its complaint against defendant, Jammin' Butter, LLC, alleges:

1. This is an action for infringement of United States Letters Patent No. 7,806,388 (“the ‘388 patent”, Exhibit A), United States Letters Patent No. 7,810,794 (“the ‘794 patent”, Exhibit B) and United States Letters Patent No. D553,227 (“the ‘227 patent”, Exhibit C). Jurisdiction is vested in this Court pursuant to 28 U.S.C. § 1338(a) and venue lies in this district by virtue of 28 U.S.C. §§ 1391 and 1400(b).

2. Plaintiff, O2COOL, LLC (“O2COOL”), is a limited liability company organized and existing under the laws of the State of Delaware. O2COOL is licensed to do business in the State of Illinois and has a principal place of business at 168 North Clinton, Suite 500, Chicago, Illinois 60661.

3. Defendant, Jammin' Butter, LLC ("Jammin' Butter") is, on information and belief, a corporation organized and existing under the laws of the State of Nevada having a principal place of business at 458 W. Walnut St., Johnson City, Tennessee, 37604. On

information and belief, Jammin' Butter is doing business within this district through one or more of its websites, including THATdailydeal.com, as well as other on-line merchants.

COUNT I
(Infringement of the '388 Patent)

4. For its first cause of action, O2COOL realleges and incorporates herein by reference its allegations of Paragraphs 1-3 of the Complaint as if expressly set forth herein.

5. On October 5, 2010, the '388 patent was duly and legally issued by the United States Patent and Trademark Office for an invention entitled "Handheld Water Misting Fan With Improved Air Flow". A true and correct copy of the '388 patent is attached as Exhibit A hereto. O2COOL is the owner of the entire right, title and interest in the '388 patent and has the right to bring suit for infringement thereon.

6. Jammin' Butter has, on information and belief, unlawfully and intentionally infringed and continues to infringe the '388 patent in this district and elsewhere by making, importing, having made, using, offering for sale and/or selling portable spray fan misting bottles embodying the invention of the '388 patent, including portable spray fan misting bottles identified as "Handheld Water Misting Fan". Copies of an advertisement and offer to sell those portable spray fan misting bottles printed from the THATdailydeal.com website are attached as Exhibit D. On information and belief, Jammin' Butter has induced infringement and/or has contributed to the infringement of the '388 patent in this district and elsewhere.

7. The wrongful acts of Jammin' Butter as alleged herein were undertaken without authority and without license from O2COOL. On information and belief, Jammin' Butter had actual notice of the '388 patent and their acts of infringement have been willful and wanton, in blatant disregard for the intellectual property rights of O2COOL.

8. O2COOL has suffered damage by reason of the acts of infringement by Jammin' Butter and will suffer additional and irreparable damage unless Jammin' Butter is enjoined by this Court from continuing its acts of direct infringement, inducement of infringement and/or contributory infringement of the claims of the '388 patent.

COUNT II
(Infringement of the '794 Patent)

9. For its second cause of action, O2COOL realleges and incorporates herein by reference its allegations of Paragraphs 1-8 of the Complaint as if expressly set forth herein.

10. On October 12, 2010, the '794 patent was duly and legally issued by the United States Patent and Trademark Office for an invention entitled "Break Resistant Joint". A true and correct copy of the '794 patent is attached as Exhibit B hereto. O2COOL is the owner of the entire right, title and interest in the '794 patent and has the right to bring suit for infringement thereon.

11. Jammin' Butter has, on information and belief, unlawfully and intentionally infringed and continues to infringe the '794 patent in this district and elsewhere by making, importing, having made, using, offering for sale and/or selling portable spray fan misting bottles embodying the invention of the '794 patent, including portable spray fan misting bottles identified as "Handheld Water Misting Fan". Copies of an advertisement and offer to sell those portable spray fan misting bottles printed from the THATdailydeal.com website are attached as Exhibit D. On information and belief, Jammin' Butter has induced infringement and/or has contributed to the infringement of the '794 patent in this district and elsewhere.

12. The wrongful acts of Jammin' Butter as alleged herein were undertaken without authority and without license from O2COOL. On information and belief, Jammin' Butter had

actual notice of the '794 patent and their acts of infringement have been willful and wanton, in blatant disregard for the intellectual property rights of O2COOL.

13. O2COOL has suffered damage by reason of the acts of infringement by Jammin' Butter and will suffer additional and irreparable damage unless Jammin' Butter is enjoined by this Court from continuing its acts of direct infringement, inducement of infringement and/or contributory infringement of the claims of the '794 patent.

COUNT III
(Infringement of the '227 Patent)

14. For its third cause of action, O2COOL realleges and incorporates herein by reference its allegations of Paragraphs 1-13 of the Complaint as if expressly set forth herein.

15. On October 16, 2007, the '227 patent was duly and legally issued by the United States Patent and Trademark Office for an invention entitled "Misting Fan". A true and correct copy of the '227 patent is attached as Exhibit C hereto. O2COOL is the owner of the entire right, title and interest in the '227 patent and has the right to bring suit for infringement thereon.

16. Jammin' Butter has, on information and belief, unlawfully and intentionally infringed and continues to infringe the '227 patent in this district and elsewhere by making, importing, having made, using, offering for sale and/or selling portable spray fan misting bottles embodying the invention of the '227 patent, including portable spray fan misting bottles identified as "Handheld Water Misting Fan". Copies of an advertisement and offer to sell those portable spray fan misting bottles printed from the THATdailydeal.com website are attached as Exhibit D.

17. The wrongful acts of Jammin' Butter as alleged herein were undertaken without authority and without license from O2COOL. On information and belief, Jammin' Butter had

actual notice of the '227 patent and its acts of infringement have been willful and wanton and in blatant disregard for the intellectual property rights of O2COOL.

18. O2COOL has suffered damage by reason of the acts of infringement by Jammin' Butter and will suffer additional and irreparable damage unless Jammin' Butter is enjoined by this Court from continuing its acts of direct infringement of the claim of the '227 patent.

WHEREFORE, O2COOL requests that this Court enter a judgment in favor of O2COOL and against Jammin' Butter awarding to O2COOL the following relief:

A. Ordering, adjudging and decreeing that Jammin' Butter has directly infringed the '388 patent in violation of 35 U.S.C. § 271(a) by making, importing, having made, using, selling and/or offering for sale portable spray fan misting bottles embodying the invention of the '388 patent;

B. Ordering, adjudging and decreeing that Jammin' Butter has induced the infringement of the '388 patent in violation of 35 U.S.C. § 271(b) and has engaged in acts amounting to contributory infringement of the '388 patent in violation of 35 U.S.C. § 271(c);

C. Ordering, adjudging and decreeing that the acts of infringement, inducing infringement and/or contributory infringement of the '388 patent committed by Jammin' Butter were committed willfully and knowingly;

D. Enjoining, both preliminarily and permanently, Jammin' Butter, its parents, principals, officers, directors, agents, affiliates, servants, attorneys, employees and all others in privity with it from infringing the '388 patent;

E. Awarding to O2COOL damages for infringement of the '388 patent, including its lost profits, together with prejudgment interest on the amount awarded;

F. Ordering, adjudging and decreeing that Jammin' Butter has directly infringed the '794 patent in violation of 35 U.S.C. § 271(a) by making, importing, having made, using, selling and/or offering for sale portable spray fan misting bottles embodying the invention of the '794 patent;

G. Ordering, adjudging and decreeing that Jammin' Butter has induced the infringement of the '794 patent in violation of 35 U.S.C. § 271(b) and has engaged in acts amounting to contributory infringement of the '794 patent in violation of 35 U.S.C. § 271(c);

H. Ordering, adjudging and decreeing that the acts of infringement, inducing infringement and/or contributory infringement of the '794 patent committed by Jammin' Butter were committed willfully and knowingly;

I. Enjoining, both preliminarily and permanently, Jammin' Butter, its parents, principals, officers, directors, agents, affiliates, servants, attorneys, employees and all others in privity with it from infringing the '794 patent;

J. Awarding to O2COOL damages for infringement of the '794 patent, including its lost profits, together with prejudgment interest on the amount awarded;

K. Ordering, adjudging and decreeing that Jammin' Butter has directly infringed the '227 patent in violation of 35 U.S.C. § 271(a) by making, importing, having made, using, selling and/or offering for sale portable spray fan misting bottles embodying the invention of the '227 patent;

L. Ordering, adjudging and decreeing that Jammin' Butter has directly infringed the '227 patent in violation of 35 U.S.C. § 289 by applying the patented design of the '227 patent, or a colorable imitation thereof, to portable spray fan misting bottles for the purpose of selling the portable spray fan misting bottles, and/or has sold and/or

offered to sell the portable spray fan misting bottles to which such design or colorable imitation thereof has been applied;

M. Ordering, adjudging and decreeing that the acts of infringement of the ‘227 patent committed by Jammin’ Butter were committed willfully and knowingly;

N. Enjoining, both preliminarily and permanently, Jammin’ Butter, its parents, principals, officers, directors, agents, affiliates, servants, attorneys, employees and all others in privity with it from infringing the ‘227 patent;

O. Awarding to O2COOL damages for infringement of the ‘227 patent under 35 U.S.C. § 284 and/or 35 U.S.C. § 289, including either its lost profits or the profits of Jammin’ Butter, together with prejudgment interest on the amount awarded;

P. Awarding to O2COOL three times its damages to compensate O2COOL under 35 U.S.C. § 284;

Q. Ordering, adjudging and decreeing that acts of infringement of Jammin’ Butter, as herein alleged warrant a finding that this is an exceptional case and awarding to O2COOL its reasonable attorneys’ fees under 35 U.S.C. § 285;

R. Awarding to O2COOL its costs incurred in the prosecution of this action and such other and further relief as the Court may deem just and proper.

JURY DEMAND

O2COOL demands trial by jury of all issues in this action so triable.

Respectfully submitted,

O2COOL, LLC

/s/ Keith V. Rockey

KEITH V. ROCKEY (ID #02360624)
KATHLEEN A. LYONS (ID #06186939)
MATTHEW L. DE PRETER (ID #06291503)
Rockey & Lyons
180 N. Stetson, Suite 3500
Chicago, IL 60601
Telephone: (312) 268-5703
Facsimile: (312) 268-5801

Attorneys for Plaintiff O2COOL, LLC